



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,608	11/13/2000	Charles F. Berry	END920000120US1	7922

7590 01/27/2004

BLANCHE E SCHILLER
HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER

JAKETIC, BRYAN J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,608

Applicant(s)

BERRY ET AL.

Examiner

Bryan Jaketic

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillings et al in view of Rapp, III (hereafter 'Rapp'). Gillings et al disclose a method of data entry comprising the steps of entering data by first person into a first database (see col. 12, lines 35-56); entering a subset of the data by a second person into the first database to insure accuracy of the data entered by the first person (see col. 12, lines 35-65); matching the subset of data entered by the second person with the data entered by the first person (see col. 6, lines 8-12; col. 11, lines 18-28; and col. 12, lines 35-65); and resolving any unmatched entries (col. 11, lines 24-28). The data is entered by both the first and second person into a plurality of fields (see Fig. 9). The operator must enter identification by logging in (col. 12, lines 41-56).

Gillings et al further disclose a status indicator that indicates the state of the document, and the required actions yet to be taken (see col. 7, lines 35-44). It is inherent that this must include such states as 'entered' or 'audit passed'. Furthermore, Fig. 9 of Gillings et al shows the step of setting the indicator status to entered.

Gillings et al do not expressly teach the step of changing the status indicator to audit failed. However, Gillings teaches that the state of the document is tracked and that if a discrepancy exists between the first and second entry of the document (see col.

Art Unit: 3627

7, lines 35-44), the discrepancy must be resolved (see col. 11, lines 24-28). It is inherent that this would include the step of changing the status indicator to 'audit failed' so that the proper action may be taken.

Gillings et al fail to teach that data is entered from an invoice. However, it is common in the art to record data on invoices, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an invoice to hold data that is to be entered into the database of Gillings et al, to insure that the data is entered quickly and efficiently.

Gillings et al do not teach that unmatched entries are re-entered by the first person. However, Gillings et al teach that unmatched entries must be resolved (col. 11, lines 26-28), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of re-entering data by the first person in order to resolve discrepancies.

Gillings et al do not teach fields for document number, invoice number, invoice date, purchase order number, baseline date, amount, terms, or vendor number. However, these differences are only found in the nonfunctional descriptive material and do not alter how the data is entered. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to give the fields any

Art Unit: 3627

appropriate name because the name of a field does not patentably distinguish the claimed invention.

Gillings et al do not teach the step of specifying a reason or selecting a specify reason push button if there is an audit failure. However, it is common in the art to supply comments for audit failures, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of specifying a reason or selecting a specify reason push button with the invention of Gillings et al to provide guidance for correcting the unmatched data.

Gillings et al do not teach the step of tracking a length of time that a status indicator is set at entered. Rapp teaches an auditing method that tracks the amount of time an operator takes to perform certain functions (see col. 11, lines 59-65 and col. 13, lines 28-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Rapp with the invention of Gillings et al to track the time it takes operators to perform functions to determine the efficiency of the operator.

Neither Gillings et al nor Rapp teach the step of deleting the entered data after a length of time. However, it is common in the art to purge old records, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of deleting the entered data after a length of time to save file space.

Response to Arguments

3. Applicant's arguments filed 28 November 2003 have been fully considered but they are not persuasive. Applicant argues that Gillings does not disclose an invoice. Examiner concedes that Gillings fails to disclose an invoice. However, Gillings et al disclose the steps of entering data from a written document, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Gillings et al to enter data from any document, including an invoice, because data that needs to be entered into a database is often recorded on an invoice.

Applicant also argues that Gillings et al fail to disclose a status indicator that is modified depending on the success of the invoice entry process. Examiner respectfully disagrees. Gillings et al disclose a status indicator in col. 7, lines 35-44, and explains that the status is changed based on its current disposition. Gillings et al further teach that data is entered and re-entered, and if any discrepancy exists the problem must be resolved before the item can continue in the workflow (see col. 11, lines 24-28). It is inherent that the status indicator is used to reflect this status.

Applicant argues that Gillings et al fail to recite the step of tracking a length of time that the status indicator has of an entered setting. This argument has been considered but is moot in view of the new ground(s) of rejection.

Applicant also argues that Gillings fails to teach the step of re-entering unmatched entries by the first person. Examiner concedes that Gillings does not expressly teach this step. However, Gillings teaches that unmatched entries must be resolved (see col. 11, lines 24-28). There is only a finite number of ways to resolve

such a discrepancy - re-entry of the data by the first person, re-entry by the second person, or re-entry by a third person. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of re-entry by the first person, because it is an efficient means of resolving the discrepancy.

Applicant further argues that Gillings does not teach the step of posting the data to a second database if the status indicator is audit passed. Examiner maintains that it is unnecessary to show the step, because this step is claimed in the alternative to re-entry. However, Examiner further maintains that Gillings does disclose this step in col. 13, lines 32-35, wherein documents that have passed the audit are routed to the comment entry work queue.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moline et al disclose the step of tracking the time an indicator has a specific setting.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 3627

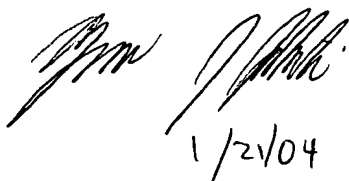
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bj



Handwritten signature and date: 1/21/04